

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

1 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 19-16143
Tosha N. Simmons Judge: Poslusny

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 04/29/2021
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JR Initial Debtor: TS Initial Co-Debtor:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 313 per month to the Chapter 13 Trustee, starting on July 1, 2021 for approximately 57 of 84 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☐ NONE

- a. Adequate protection payments will be made in the amount of \$ 50 to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to Toyota Motor Credit (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 3950
DOMESTIC SUPPORT OBLIGATION		
IRS	taxes	\$1792.17

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Toyota Motor Credit	2013 Toyota Camry	\$438.26	NA	\$438.26	

c. Secured claims excluded from 11 U.S.C. 506: ☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Toyota Motor Credit	2017 Toyota Camry	\$22,494.86	\$17,425	NA	\$17,425	4%	\$20,007

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☒ **NONE**

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than 0 _____ percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal*, and *valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Toyota Motor Credit	2017 Toyota Camry	\$22,494.86	\$17,425	\$20,007 including interest	any remaining balance

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Joseph J. Rogers, Esquire
- 3) _____
- 4) _____

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 03/27/2019.

Explain below **why** the plan is being modified:

The Debtor is unemployed due to COVID

Explain below **how** the plan is being modified:

The plan is modified to extend the plan to 84 months and lower the payments starting in July 2021 to \$313 per a month for 57 more months.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 5/4/21

/S/ Tosha Simmons
Debtor

Date: _____

/S/
Joint Debtor

Date: _____

/S/ Joseph J. Rogers
Attorney for Debtor(s)

In re:
Tosha N Simmons
Debtor

Case No. 19-16143-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: May 21, 2021

User: admin
Form ID: pdf901

Page 1 of 3
Total Noticed: 32

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 23, 2021:

Recip ID	Recipient Name and Address
db	+ Tosha N Simmons, 510 Edward Lane, Vineland, NJ 08360-2825
518212101	Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
518144617	+ Center For Diagnostic Imaging, 1450 E Chestnut Ave Building 4, Vineland, NJ 08361-8467
518144627	+ Excelcare Alliance, LLC, PO Box 14000, Belfast, ME 04915-4033
518144630	LCA Collections, PO Box 2240, Burlington, NC 27216-2240
518144633	Toyota Motor Credit, 111 W 22nd St, Oakbrook, IL 60521
518285803	+ Toyota Motor Credit Corporation, Rebecca A. Solarz, Esquire, 216 Haddon Avenue, Ste. 406, Westmont, NJ 08108-2812
518231306	+ Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
518144635	+ United States Attorney General, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0009
518144637	+ United States Attorney General, United States Department of Justice, Ben Franklin Station, P.O. Box 683, Washington, DC 20044-0683

TOTAL: 10

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	May 21 2021 21:35:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreion03.ne.ecf@usdoj.gov	May 21 2021 21:35:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
518270325	Email/PDF: resurgentbknofications@resurgent.com	May 21 2021 21:56:53	Ashley Funding Services, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
518144618	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 21 2021 21:34:00	Comenity Bank/ashstwr, Po Box 182789, Columbus, OH 43218-2789
518144619	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 21 2021 21:34:00	Comenity Bank/avenue, Po Box 182789, Columbus, OH 43218-2789
518144620	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 21 2021 21:34:00	Comenity Bank/fashbug, Po Box 182789, Columbus, OH 43218-2789
518144621	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 21 2021 21:34:00	Comenity Bank/Inbryant, Po Box 182789, Columbus, OH 43218-2789
518144622	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 21 2021 21:34:00	Comenitybank/catherine, Po Box 182789, Columbus, OH 43218-2789
518144623	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 21 2021 21:34:00	Comenitybank/victoria, Po Box 182789, Columbus, OH 43218-2789
518144624	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 21 2021 21:34:00	Comenitycb/boscov, Po Box 182120, Columbus, OH 43218-2120
518144625	+ Email/Text: electronicbkydocs@nelnet.net	May 21 2021 21:35:00	Dept Of Education/neln, 3015 Parker Rd, Aurora, CO 80014-2904
518144628	Email/Text: sbse.cio.bnc.mail@irs.gov	May 21 2021 21:34:00	Internal Revenue Service, ATTN: Bankruptcy Department, P.O. Box 7346, Philadelphia, PA

District/off: 0312-1

User: admin

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Date Rcvd: May 21, 2021

Form ID: pdf901

Total Noticed: 32

518144629	+ Email/Text: PBNCNotifications@peritussservices.com	May 21 2021 21:33:00	19101-7346 Kohls/capone, N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
518164836	Email/PDF: resurgentbknofications@resurgent.com	May 21 2021 21:56:03	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
518144631	+ Email/PDF: pa_dc_claims@navient.com	May 21 2021 21:56:01	Navient, 123 S Justison St, Wilmington, DE 19801-5363
518288001	Email/PDF: pa_dc_claims@navient.com	May 21 2021 21:56:01	Navient CFC, c/o Navient Solutions, LLC, PO BOX 9640, Wilkes-Barre, PA 18773-9640
518144632	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	May 21 2021 21:57:43	Portfolio Recovery Assoc, 120 Corporate Blvd Ste 1, Norfolk, VA 23502
518269013	Email/Text: bnc-quantum@quantum3group.com	May 21 2021 21:35:00	Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
518225223	Email/Text: bnc-quantum@quantum3group.com	May 21 2021 21:35:00	Quantum3 Group LLC as agent for, Second Round Sub LLC, PO Box 788, Kirkland, WA 98083-0788
518182850	+ Email/Text: electronicbkydocs@nelnet.net	May 21 2021 21:35:00	U.S. Department of Education, C/O Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911
518144636	+ Email/Text: usanj.njbankr@usdoj.gov	May 21 2021 21:35:00	United States Attorney, Peter Rodino Federal Building, 970 Broad Street, Suite 700, Newark, NJ 07102-2527
518266445	+ Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	May 21 2021 21:57:51	Verizon, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

TOTAL: 22

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
518144626	*+	Dept Of Education/neln, 3015 Parker Rd, Aurora, CO 80014-2904
518144634	*	Toyota Motor Credit, 111 W 22nd St, Oakbrook, IL 60521
518265076	*+	Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013

TOTAL: 0 Undeliverable, 3 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 23, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 10, 2021 at the address(es) listed below:

Name	Email Address
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Isabel C. Balboa	
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District/off: 0312-1

User: admin

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Date Rcvd: May 21, 2021

Form ID: pdf901

Total Noticed: 32

on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com

Isabel C. Balboa

ecfmail@standingtrustee.com summarymail@standingtrustee.com

Joseph J. Rogers

on behalf of Debtor Tosha N Simmons jjresq@comcast.net jjrogers0507@gmail.com

Rebecca Ann Solarz

on behalf of Creditor Toyota Motor Credit Corporation rsolarz@kmlawgroup.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5